

**CCRB CASE CLOSING FORM**

<b>Investigator assigned:</b> Pichardo		<b>Team:</b> 8	<b>CCRB#:</b> 9600753	<b>FADO:</b> F, A, D, O
<b>Date of incident:</b> 02-16-96	<b>Time of incident:</b> 1530 hrs	<b>Location of incident:</b> Corner of Franklin Avenue and Lincoln Place, Brooklyn	<b>Pct. of occurrence:</b> 077 Pct.	<b>Date SOL expires:</b> 08-16-97
<b>Date reported:</b> 02-17-96	<b>Time reported:</b> 0846 hrs	<b>To whom/where/how reported:</b> Complaint called in to CCRB.		
<b>Complainant:</b> § 87(2)(b)	<b>Home address:</b> § 87(2)(b)			
<b>Victim(s):</b> § 87(2)(b)	§ 87(2)(b)			
<b>Witness(es):</b>				
<b>Subject officer(s) (include rank):</b> Det. Donald Bradley Det. Patrick Abdul Det. Michael Bell Det. Rodney Harrison	<b>Shield:</b> 572 103 2228 466	<b>Tax:</b> 889621 895151 895215 901066	<b>Command:</b> SNAG-BN ( 069 PDS) SNAG-BN (NarcBBN) SNAG-BN (NarcBBN) SNAG-BN (071 PDS)	
<b>Witness officer(s) (include rank):</b> LT Thomas Cea (SGT at time of incident)	N/A	888536	SNAG-BN (009 Pct.)	
<b>Allegation(s) by letter:</b>			<b>Recommendation(s):</b>	
A. Det. Abdul abused his authority when he told § 87(2)(b), "Get the fuck out of here before I lock your ass up too!"			A. § 87(2)(g)	
B. Det. Abdul used excessive force when he grabbed § 87(2)(b) by his coat collar and slammed him against the side of the bodega.			B. § 87(2)(g)	
C. Det. Abdul used excessive force when he punched § 87(2)(b) repeatedly in the left shoulder.			C. § 87(2)(g)	
D. Det. Abdul used excessive force when he restrained § 87(2)(b) while other detectives beat him.			D. § 87(2)(g)	
E. Det. Bradley used excessive force when he beat § 87(2)(b).			E. § 87(2)(g)	
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ENCL. la

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Allegation(s) by letter:	Recommendation(s):
F. Det. Bell used excessive force when he beat § 87(2)(b).	F. § 87(2)(g)
G. Det. Harrison used excessive force when he beat § 87(2)(b).	G. § 87(2)(g)
H. Det. Harrison was discourteous when he called § 87(2)(b) a "wiseguy."	H. § 87(2)(g)
I. Det. Harrison used offensive language when he asked Det. Abdul to remove § 87(2)(b)'s handcuffs so he could "do a dance with this nigger."	I. § 87(2)(g)
J. Det. Abdul abused his authority when he removed § 87(2)(b)'s handcuffs so that Det. Harrison could inflict physical harm on § 87(2)(b).	J. § 87(2)(g)
K. Det. Bradley used excessive force when he beat § 87(2)(b).	K. § 87(2)(g)
L. Det. Bell used excessive force when he beat § 87(2)(b).	L. § 87(2)(g)
M. Det. Harrison used excessive force when he beat § 87(2)(b).	M. § 87(2)(g)

### Summary

On February 16, 1996 at approximately 1520 hrs. § 87(2)(b) had just gotten off of work and was at the corner of Franklin Avenue and Lincoln Place in Brooklyn. On this same date, a Brooklyn North SNAG team was conducting a buy and bust operation in various locations in the vicinity of Franklin Avenue in Brooklyn. This team was comprised of Det. Flores, PO Rivera, Det. Abdul, Det. Bell, Det. Bradley, Det. Harrison, Det. Aguirre, Det. Miller, and was supervised by Sgt. Cea. Sgt. Cea is currently a lieutenant, however, he will be referred to as a sergeant in this report as this reflects his rank at the time of the incident. At approximately 1515 hrs, this buy and bust team traveled to the corner of Franklin Avenue and Lincoln Place to effect three marijuana related arrests. § 87(2)(g)

According to § 87(2)(b), he was speaking with some friends at the corner of Lincoln Place and Franklin Avenue when four plainclothes officers arrived at this corner and began to arrest three individuals on the side of a bodega located at this location. § 87(2)(b) attempted to enter the bodega at which time, Det. Abdul told him, "Get the fuck out of here before I lock your ass up too!" § 87(2)(b) told the officer that he had nothing to do with the arrests and that he was a tax-payer and had the right to enter the bodega. Det. Abdul then grabbed § 87(2)(b) by his collar and pushed him into the wall of the bodega face first. Det. Abdul then punched § 87(2)(b) in the area of this left shoulder repeatedly and placed him on the ground.

According to § 87(2)(b), Detectives, Bradley, Bell, and Harrison then began to beat § 87(2)(b), kicking and punching him repeatedly. § 87(2)(b) was handcuffed. § 87(2)(b) asked the officers why

ENCL. 1b

he was being beat for no reason and Det. Harrison called him a "wiseguy." Det. Harrison then asked Det. Abdul to remove § 87(2)(b)'s handcuffs so that he could "do a dance with this 'nigger'." Det. Abdul then removed § 87(2)(b) handcuffs and Detectives Harrison, Bradley, and Bell again beat § 87(2)(b). § 87(2)(b) reported that a sergeant then arrived on the scene and told the officers to stop. § 87(2)(b) was then placed inside the prisoner van along with the three individuals who were arrested at this same location. After driving around for two hours § 87(2)(b) and the other prisoners were taken to the station house.

According to Detectives Abdul, Bell and Harrison, the field team for the buy and bust operation was called to the corner of Franklin Avenue and Lincoln Place to effect the arrest of three individuals on marijuana related charges. § 87(2)(g)

All three officers stated that all members of the field team responded to this location at the same time. As the officers were handcuffing and searching the three individuals, § 87(2)(b) began to yell at the officers from the other side of the street such comments as, "It's just weed! Why are you locking them up?! It comes from the earth! Why are you fucking with the people over there?!" The officers ignored § 87(2)(b).

According to the detectives, § 87(2)(b) then crossed the street and approached the officers still yelling comments and insults. § 87(2)(b) came within a couple feet of the officers and a crowd began to gather. Det. Abdul instructed § 87(2)(b) to step back several times, but § 87(2)(b) persisted. Det. Abdul then placed § 87(2)(b) in handcuffs and placed him inside the prisoner van. § 87(2)(b) did not offer any physical resistance to his arrest, although he did continue to yell. The detectives stated that no physical force was utilized to effect the arrest of § 87(2)(b). The detectives denied all allegations.

Det. Bradley and Sgt. Cea did not recall this incident and were unable to provide any account or details of the incident. Det. Brown was interviewed, however, he was not present during this incident.

§ 87(2)(b) was taken to the 077 station house and issued a summons for § 87(2)(b) (see enclosure 22). § 87(2)(b) was released and went home. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

On § 87(2)(b) § 87(2)(b) went to the medical office of § 87(2)(b) (see enclosure 21d). § 87(2)(b) reported that he was beaten by four police officers and complained of pain in the back of his head and his nose and a bump on the right side of his head. § 87(2)(b) was diagnosed facial, scalp, and thorax contusions. On § 87(2)(b) § 87(2)(b) returned to this same medical office and complained he was still in pain and was unable to work (see enclosure 21e). § 87(2)(b) stated that he had pain in his lower back and right shoulder. The doctor's notes for this date of treatment indicate that § 87(2)(b) had a bruise on his shoulder. There is a notation in the medical records for § 87(2)(b) stating the § 87(2)(b) informed that § 87(2)(b) had a fractured nasal bone, however, this was an old fracture (see enclosure 21e). § 87(2)(b) returned to the doctor on § 87(2)(b) for medical treatment for his back pain (see enclosures 21e-21g).

§ 87(2)(b) has retained an attorney and is filing a civil suit for his personal injuries alleged to have occurred as a result of this incident. § 87(2)(b) was unable to provide the name, address, or telephone number for his attorney, and because of this, the attorney was never contacted.

Det. Harrison and Det. Bradley did not provide copies of their DARs because they were

ENCL. 1C

unable to locate them.

### Analysis

§ 87(2)(g)



§ 87(2)(b) stated in his interview that there were several witnesses to this incident. These witnesses include three of his friends, an employee of the bodega at the corner of Franklin Avenue and Lincoln Place, and § 87(2)(b) (see enclosure 4b). § 87(2)(b), however, was unable to provide complete contact information for these individuals. This investigator located the owner of the record store, § 87(2)(b), and contacted him via telephone. § 87(2)(b) reported that he had no knowledge of this incident (see enclosure 38). § 87(2)(b) reported twice, on April 9, 1997 and May 14, 1997, that he had spoken the bodega employee, § 87(2)(b), regarding the incident and given him this investigator's telephone number (see enclosures 34 and 6). § 87(2)(b) never telephoned. A field trip conducted on June 6, 1997 to the bodega located at the corner of Franklin Avenue and Lincoln Place in an effort to take a statement from § 87(2)(b) produced negative results (see enclosure 45). § 87(2)(b) § 87(2)(b) informed that he had heard of an incident where police officers had been beating a civilian, but he did not witness this incident. § 87(2)(b) informed that he believed this incident happened outside his store approximately one year ago. § 87(2)(b) further stated that he is not he correct § 87(2)(b) and that there have been many employees working at his bodega by the name of § 87(2)(b).

§ 87(2)(g)

This investigator attempted to contact the three individuals who were arrests at the corner of Lincoln Place and Franklin Avenue, however, only one of their arrests reports was available in the Booking, Arraignment, and Disposition System (see enclosure 29). The number listed for the defendant, § 87(2)(b), is not in service (see enclosure 43). No names or further contact information for these three individuals were available in any of the police documents relating to this incident. It was not possible to contact these three individuals.

§ 87(2)(g)

Three detectives, § 87(2)(b) interviewed at CCRB on three different days, all reported that § 87(2)(b) was yelling various comments about marijuana and various insults at the officers. § 87(2)(b) denied making such comments, although he stated that he does smoke marijuana occasionally (see enclosure 6).

§ 87(2)(g)



ENCL. 1d

§ 87(2)(g)

**§ 87(2)(g)**

Nevertheless, § 87(2)(b) sought medical attention on the date following the incident and he was diagnosed with facial, scalp, and thorax contusions (see enclosure 21d). § 87(2)(b) sought medical attention on several other dates, all relating to his alleged injuries from this incident. It is noted in § 87(2)(b) medical records from § 87(2)(b) that § 87(2)(b) advised verbally that § 87(2)(b) had a fractured nose on § 87(2)(b) (see enclosure 21e). It is also noted that this is an "old fracture." It is not clear, however, if the old fracture was one week old, having been incurred on the date of this incident, or if the fracture was very old and incurred prior to this incident. § 87(2)(b) stated that it was caused on the date of this incident. No medical records were requested from § 87(2)(b) because § 87(2)(b) did not mention that he sought or received medical treatment at this facility. According to § 87(2)(b)'s medical records, he has sought medical treatment for his back repeatedly since the incident. § 87(2)(g)

**§ 87(2)(g)**

Det.

Abdul, however, did remember the incident in detail. § 87(2)(g)

(see

enclosure 11b) § 87(2)(g)

§ 87(2)(g)

**Investigator:**

EHRG

Date: 6-11-97

**Supervisor:**

B. Lintowski

Date: 6-12-97

Reviewed by:

Date: \_\_\_\_\_

Reviewed by:

Date: \_\_\_\_\_

**ENCL.** 1e